IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 580 of 2004

MANGLA RAM
V/S
STATE & ORS

Mr. RANJEET JOSHI, for the appellant / petitioner

Mr. RS CHOUDHARY, for the respondent

Date of Order : 3.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned order, the learned trial Court has allowed the amendment of the plaint, by adding relief of declaration about the land in question, being part of the public way. I do not find any sufficient ground to interfere with the order allowing amendment. However, since the application for amendment was belated, learned trial Court should have allowed the amendment subject to payment of costs.

Accordingly, the impugned order is modified in the manner that the plaintiff shall be allowed to amend the plaint subject to payment of a cost of Rs.1000/- to the petitioner-defendant. The cost to be paid within a period of two weeks from today. The writ petition is, accordingly, disposed of.

(N P GUPTA),J.

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